

## REMARKS

Claims 28-54 are pending. Claims 1-27 were previously canceled without prejudice or disclaimer.

### **I. The Restriction Requirement and Applicant's Provisional Election**

The Examiner required restriction, under 35 U.S.C. §§ 121, 372, between the following Groups as these inventions or groups of inventions allegedly are not so linked as to form a single general inventive concept under PCT Rule 13.1.

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|-----------|---|
| Group I   | claims 28-29, 33-41 and 47-54, drawn to a method of identifying and obtaining an inhibitor capable of modifying the paired helical filaments (PHF) formation, wherein a peptide selected from SEQ ID NO. 6, 7, 8, or 9 is present for screening, with a special technical feature of detecting the presence, decrease, or absence of nucleation sites for PHF assembly, and/or the presence, decrease or absence of aggregation products, wherein said absence and/or decrease of is indicative of putative inhibitors of PHF formation; an inhibitor identified by the method, a composition comprising the inhibitor, a kit comprising at least one of a specific tau derived peptide, assembly-component tau-proteins and a solid support with the peptide |
| Group II  | claims 30-32 drawn to a method of identifying and obtaining an inhibitor of PHF formation, wherein a peptide selected from SEQ ID No. 6,7,8 or 9 is present for screening, with a special technical feature pf measuring whether compounds displace the molecule from the complex.  |
| Group III | claim 42-46, drawn to a method for detecting the PHF formation, with a special technical feature of detecting the presence, absence, decrease or increase of PHFs and/or nucleation sites of PHF assembly.  |

Additionally, the Examiner has requested an election of species between SEQ ID Nos: 6-9 if Group I or II is elected.

In response, Applicants hereby elect, **with traverse**, Group I, claims 28-29, 33-41 and 47-54, drawn to a method of identifying and obtaining an inhibitor capable of modifying the

paired helical filaments (PHF) formation, wherein a peptide selected from SEQ ID NO. 6, 7, 8, or 9 is present for screening, with a special technical feature of detecting the presence, decrease, or absence of nucleation sites for PHF assembly, and/or the presence, decrease or absence of aggregation products, wherein said absence and/or decrease of is indicative of putative inhibitors of PHF formation; an inhibitor identified by the method, a composition comprising the inhibitor, a kit comprising at least one of a specific tau derived peptide, assembly-component tau-proteins and a solid support with the peptide.

In addition, Applicants hereby elect, with traverse, SEQ ID No. 9.

**II. The Claimed Inventions of Group I, II, and III Form a Single General Inventive Concept**

Applicants traverse the restriction requirement on the grounds that the inventions of groups I, II, and III are linked by a single general inventive concept – the use of a specific motif, the minimal tau peptide, during the formation of aggregated tau into paired helical filaments (PHF). More specifically, groups I and II are linked by the use of the defined motif in screening methods for molecules that affect PHF formation. Similarly, group III relates to claims measuring the PHF formation. Although Applicants have elected Group I, it is respectfully requested that claims 30-32 of Group II and claims 42-46 of Group III be rejoined with the claims of Group I.

**III. The Search Of Groups I-III, and SEQ ID Nos. 6-9 Is Not Unduly Burdensome**

Applicants traverse the restriction requirement on the grounds that the search and examination of Groups I-III and SEQ ID Nos. 6-9 is not unduly burdensome. According to MPEP section 803 “if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions.” As stated above, all of the inventions relate to aspects of screening methods during PHF formation and the concurrent examination of such related claims would not be burdensome.

**IV. Conclusion**

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should be charged to our Deposit Account.

Respectfully submitted,

Date October 12, 2004  
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